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Sent: Friday, October 17, 2008 10:25 AM

To: John Kirlin

Subject: Draft 5.5 Strategic Plan

Dear John--

I had intended to make some comments yesterday in the Public Comments slot, but the tedium of the day and the confusion over the two versions caused me to leave early in favor of being able to see and comment on the Draft 5.5. I know you are nearing the end of this process but hope you will take the time to consider these suggestions.

The Delta levee community is justifiably proud of the progress we have made in improving Delta non-project levees with modest sums of State money under the Levee Subventions Program over the last 15 or so years. Although the State program calls for up to 75% State cost share of reimbursement for eligible funds expended under the program by participating levee districts, approximately 50% of the actual expenditures have come from the local entities over the years as a result of insufficient, and inconsistent, State funding. Nevertheless, with State cost sharing in the \$6 million per year average range dramatic progress has been made in reducing catastrophic levee failures vs. history. In fact the "poster child" of Delta levee failures (Jones Tract), the most recent event, did not occur during a time of flood stage, or of seismic activity for that matter. Indeed the apparent success we are having with the subventions program must frustrate the "doom and gloom" folks at DWR and PPIC. The subventions program is one of the few effective efforts carried on by CALFED (although not originated there) demonstrating measurable progress in improving conditions in the Delta.

I say this by way of introduction to what many of us believe is an unnecessarily negative and destructive treatment of the effort to protect and maintain Delta levees in your current draft.

First of all, the Delta As Place workgroup you set up does not believe that the Hazard Mitigation standard is the proper goal for minimum levee protection. It was set up only as a mechanism for preserving Federal Emergency Management Agency participation in response to Delta flood emergencies in the 1980's. The minimum standard that we are working toward is the Public Law 84-99 standard which is an agricultural use protection which allows Federal participation in maintenance (and not just emergency work) which the BRTF has identified as being a goal of the levee program. The reference in section 6.3.4 to Hazard Mitigation Plan must be replaced with Public Law 84-99.

Secondly, the incorporation of the "Do Not Reusitate" concept in section 6.3.6 is at least as inappropriate and discouraging. It also seems contradictory to the concepts of developing a plan to protect the valuable assets of the Delta in relatively short order. Introducing uncertainty into the immediate flood picture will be very costly as well as disruptive to the planning process. When islands flood, or are under immediate threat of flooding, time is of the essence! We have many examples of tremendous resulting cost escalations caused by indecision or inability to muster resources during flood events. We should be working in the opposite direction--making sure we are prepared to act quickly in flood emergencies to protect Delta resources and avoid predisposing planning efforts by risking huge cost escalations by delaying prompt flood emergency responses.

I understand from a conversation I had yesterday with Anson Moran that he raised the same (or similar) objections at a previous BRTF session, and that his concerns were dismissed rather summarily by comments from one or more members. I think that is unfortunate and a serious mistake in terms of what we are trying to accomplish, both in terms of maintenance and emergency response at least until the comprehensive plan the BRTF envisages is completed.

I have a couple of other comments, largely unrelated to the above.

I am pleased to see in Strategy 5.1 (pg. 2-37) the recognition of the need for much more analysis of sizing combinations, impacts and costs of Delta Conveyance Facilities. It has been obvious for some time that different interest groups have very different pictures of such facilities. Ag export contractors are looking for a lot more exported water; municipal exporters are looking for improved water quality and a reliable supply (maybe even smaller than historical); environmental interests are looking for ways to avoid fishery and other environmental impacts, perhaps at the expense of exports, especially during critical time periods. It is important that the analysis

determine one facility and one operating procedure. At that point it may be possible to determine whether such a facility is really "worth it" especially in light of the other constructive things we should be doing to actually increase the water supply deficiencies that have developed over time.

Having said that I am not so pleased to see the BRTF continue to duck the issue of what a more secure water supply means in terms of the established water rights priorities system in California. Failure to recognize the historical and existing priorities will pit the two ends of the state against one another for the foreseeable future. While the BRTF may think there is some way to use the Reasonable Use requirement to reallocate the State's water supply from North to South. I disagree and think any changes would be very marginal.

If we are going to be serious about a secure water supply for the state we need to get busy and serious about developing it through flood control/wet period storage and conjunctive use, recycling, reuse, and conservation as the so-called In-Delta Group has suggested in previous correspondence.

Finally, one additional thought. When I was asked to host the start of the process now known as the Bay Delta Conservation Plan at the University of the Pacific, it was initially entitled "User Fees/Regulatory Certainty", the apparent concept being what price do the users need to pay to get regulatory take permits. After some strenuous discourse I thought the concept of measurable recovery of the threatened species was the basis of receiving take permits. I hope the difference between these two approaches continues to guide your deliberations, although it may have disappeared from the BDCP discussions.

Thanks for the opportunity to weigh in again.

Tom Zuckerman